

Calendar No. 507

104TH CONGRESS
2D SESSION**S. 1734**

To prohibit false statements to Congress, to clarify congressional authority
to obtain truthful testimony, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 1996

Mr. SPECTER (for himself, Mr. LEVIN, Mr. STEVENS, Mr. NUNN, Mr. COHEN,
Mr. INOUE, Mr. JEFFORDS, Mr. LEAHY, Mr. KOHL, and Mr. ROTH) in-
troduced the following bill; which was read twice and referred to the Com-
mittee on the Judiciary

JULY 22, 1996

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To prohibit false statements to Congress, to clarify congress-
sional authority to obtain truthful testimony, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “False Statements Pen-
5 alty Restoration Act”.

1 **SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.**

2 Section 1001 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 1001. Statements or entries generally**

5 **“(a) PROHIBITED CONDUCT.—**

6 **“(1) IN GENERAL.—**A person shall be punished
7 under subsection (b) if, in any matter within the ju-
8 risdiction of the executive, legislative, or judicial
9 branch of the United States Government, or any de-
10 partment, agency, committee, subcommittee, or of-
11 fice thereof, that person knowingly and willfully—

12 **“(A) falsifies, conceals, or covers up, by**
13 **any trick, scheme, or device, a material fact;**

14 **“(B) makes any materially false, fictitious,**
15 **or fraudulent statement or representation; or**

16 **“(C) makes or uses any false writing or**
17 **document, knowing that the document contains**
18 **any materially false, fictitious, or fraudulent**
19 **statement or entry.**

20 **“(2) APPLICABILITY.—**This section shall not
21 apply to statements, representations, writings, or
22 documents submitted to a court in connection with
23 the performance of an adjudicative function.

24 **“(b) PENALTIES.—**A person who violates this section
25 shall be fined under this title, imprisoned for not more
26 than 5 years, or both.”.

1 **SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING**
 2 **CONGRESS.**

3 Section 1515 of title 18, United States Code, is
 4 amended—

5 (1) by redesignating subsection (b) as sub-
 6 section (c); and

7 (2) by inserting after subsection (a) the follow-
 8 ing new subsection:

9 “(b) As used in section 1505, the term ‘corruptly’
 10 means acting with an improper purpose, personally or by
 11 influencing another, including, but not limited to, making
 12 a false or misleading statement, or withholding, conceal-
 13 ing, altering, or destroying a document or other informa-
 14 tion.”.

15 **SEC. 4. ENFORCING SENATE SUBPOENA.**

16 Section 1365(a) of title 28, United States Code, is
 17 amended in the second sentence, by striking “Federal
 18 Government acting within his official capacity” and insert-
 19 ing “Executive Branch of the Federal Government acting
 20 within his or her official capacity, if the head of the de-
 21 partment or agency employing the officer or employee has
 22 directed the officer or employee not to comply with the
 23 subpoena or order and identified the Executive Branch
 24 privilege or objection underlying such direction”.

1 **SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.**
 2

3 Section 6005 of title 18, United States Code, is
 4 amended—

5 (1) in subsection (a), by inserting “or ancillary
 6 to” after “any proceeding before”; and

7 (2) in subsection (b)—

8 (A) in paragraphs (1) and (2), by inserting
 9 “or ancillary to” after “a proceeding before”
 10 each place it appears; and

11 (B) in paragraph (3), by inserting a period
 12 at the end.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “False Statements Pen-*
 15 *alty Restoration Act”.*

16 **SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.**

17 *Section 1001 of title 18, United States Code, is amend-*
 18 *ed to read as follows:*

19 **“§ 1001. Statements or entries generally**

20 **“(a) PROHIBITED CONDUCT.—**

21 *“(1) IN GENERAL.—A person shall be punished*
 22 *under subsection (b) if, in any matter within the ju-*
 23 *risdiction of the executive, legislative, or judicial*
 24 *branch of the Federal Government, or any depart-*
 25 *ment, agency, committee, subcommittee, or office*
 26 *thereof, that person knowingly and willfully—*

1 “(A) falsifies, conceals, or covers up, by any
2 trick, scheme, or device, a material fact;

3 “(B) makes any materially false, fictitious,
4 or fraudulent statement or representation; or

5 “(C) makes or uses any false writing or doc-
6 ument, knowing that the document contains any
7 materially false, fictitious, or fraudulent state-
8 ment or entry.

9 “(2) *APPLICABILITY.*—This section shall not
10 apply to parties to a judicial proceeding or anyone
11 seeking to become a party to a judicial proceeding, or
12 their counsel, for statements, representations, or docu-
13 ments submitted by them to a judge in connection
14 with the performance of an adjudicative function.

15 “(b) *PENALTIES.*—A person who violates this section
16 shall be fined under this title, imprisoned not more than
17 5 years, or both.”.

18 **SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CON-**
19 **GRESS.**

20 Section 1515 of title 18, United States Code, is amend-
21 *ed—*

22 (1) by redesignating subsection (b) as subsection
23 (c); and

24 (2) by inserting after subsection (a) the following
25 new subsection:

1 “(b) *CORRUPTLY*.—As used in section 1505, the term
 2 ‘corruptly’ means acting with an improper purpose, person-
 3 ally or by influencing another, including making a false
 4 or misleading statement, or withholding, concealing, alter-
 5 ing, or destroying a document or other information.”.

6 **SEC. 4. ENFORCING SENATE SUBPOENA.**

7 Section 1365(a) of title 28, United States Code, is
 8 amended in the second sentence, by striking “Federal Gov-
 9 ernment acting within his official capacity” and inserting
 10 “executive branch of the Federal Government acting within
 11 his or her official capacity, except that this section shall
 12 apply if the refusal to comply is based on the assertion of
 13 a personal privilege or objection and is not based on a gov-
 14 ernmental privilege or objection the assertion of which has
 15 been authorized by the executive branch of the Federal Gov-
 16 ernment”.

17 **SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.**

18 Section 6005 of title 18, United States Code, is amend-
 19 ed—

- 21 (1) in subsection (a), by inserting “or ancillary
 22 to” after “any proceeding before”; and
 23 (2) in subsection (b)—

- 1 (A) in paragraphs (1) and (2), by inserting
- 2 “or ancillary to” after “a proceeding before”
- 3 each place that term appears; and
- 4 (B) in paragraph (3), by adding a period
- 5 at the end.

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